

United States District Court

SOUTHERN

DISTRICT OF
MCALLEN DIVISION

TEXAS

DEC 29 2015

David J. Bradley, Clerk

UNITED STATES OF AMERICA
V.

AMMENDED CRIMINAL COMPLAINT

Jackqueline Munoz

PRINCIPAL
YOB: 1990

United States

Case Number:

M-15-2217-M

Ivan Gonzalez

CO-PRINCIPAL
YOB: 1992

United States

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about

December 28, 2015

in

County, in

the Southern District of Texas defendants(s) did,

(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact Ada Esperanza Garcia-Romero, a national of the El Salvador, along with two (2) other undocumented aliens, for a total of three (3), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law with in the United States, that is, from a location near Roma, Texas to the point of arrest near Roma, Texas.

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONYI further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On December 28, 2015, at approximately 10:30 a.m., Border Patrol Jose Gonzalez and Joshua Monahan responded to a call from the Roma Police Department requesting assistance on a vehicle stop. When Agent Gonzalez arrived on scene, Roma Police Officer De La Cruz told him that a concerned citizen had reported a Silver Chevrolet Malibu that was observed picking up what it appeared to be illegal aliens at the Burger King Parking lot in Roma, Texas. Officer De La Cruz responded and was able to obtain visual of the vehicle as it was travelling East on US Highway 83 from the Burger King area. Officer De La Cruz then followed the vehicle and noticed the driver was unable to maintain a single lane. At approximately 10:45 a.m., Officer De La Cruz then initiated a traffic stop of the Silver Malibu. The driver then pulled over near the intersection of US Highway 83 and Rancho Nuevo Street. Officer De La Cruz then approached the vehicle and noticed several subjects sitting in the rear passenger area of the vehicle.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

 Yes No

Signature of Complainant
Jon Chan Senior Patrol Agent

Printed Name of Complainant

McAllen, Texas

City and State

Signature of Judicial Officer
Peter E. Ormsby

Sworn to before me and subscribed in my presence,

December 29, 2015

Date

Peter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-15-2217-M

**RE: Jackqueline Munoz
Ivan Gonzalez**

CONTINUATION:

Officer De La Cruz then requested a Drivers License from the driver, identified as Jackqueline MUÑOZ DOB: 7/24/1990. MUÑOZ advised the officer that she did not possess a valid Drivers License. The back passengers were also lacking identification documents. Officer De la Cruz then requested the assistance of the Rio Grande City, Texas Border Patrol to determine the alienage of the all the passengers of the vehicle. Agent Gonzalez and Agent Monahan questioned MUÑOZ as to her immigration status. MUÑOZ stated she was a United States Citizen. The front passenger was identified as Ivan GONZALEZ also claimed to be a United States Citizen. It was determined that the remaining three subjects that were in the rear passenger area of the vehicle were illegally in the United States. All five subjects were then placed under arrest and transported to the Rio Grande City, Texas Border Patrol Station for processing.

Jackqueline MUÑOZ was issued a citation for no Driver's License.

It should be noted that records checks for the driver, Jackqueline MUÑOZ, revealed that on March 3, 2010, she was convicted of 8 USC 1324, Transporting an alien within the U.S. for private financial gain and sentenced to 4 months confinement and 2 years SRT.

PRINCIPAL STATEMENT #1

Once at the Border Patrol Station, Jackqueline MUÑOZ a United States Citizen, was read her Miranda Rights and agreed to provide a statement without an attorney.

MUÑOZ stated that on today's date, December 28, 2015, she drove her cousin, Ivan GONZALEZ, to the Burger King restaurant in Roma to go pick up undocumented aliens. They picked up three illegal aliens. MUÑOZ also stated that Ivan GONZALEZ was going to pay her for taking him and picking up the aliens. MUÑOZ continued by stating that GONZALEZ was the one who got off the car, walked into Burger King and instructed them to get in the vehicle she was driving. MUÑOZ indicated that when the illegal aliens got into the vehicle, GONZALEZ instructed the aliens to sit down and told her to drive to his house. MUÑOZ also admitted to have been arrested before for transporting illegal aliens. MUÑOZ stated that she has picked up illegal aliens in three prior occasions and that GONZALEZ paid her \$600.00. MUÑOZ further stated that she knew it was illegal to transport undocumented aliens.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-15-2217-M

**RE: Jackqueline Munoz
Ivan Gonzalez**

CONTINUATION:

PRINCIPAL STATEMENT #2

Once at the Border Patrol Station, the front passenger, Ivan GONZALEZ a United States Citizen, was read his Miranda Rights and agreed to provide a statement without an attorney present.

GONZALEZ stated that on today's date, December 28, 2015, he was the passenger and Jackqueline MUNOZ was the driver of a silver Chevy Malibu. GONZALEZ stated they both went to the Burger King restaurant in Roma, Texas with the intent to pick up illegal aliens and transport them to an unknown location in Roma, Texas. Once at the Burger King, he got off the vehicle, went inside the restaurant and told the illegal aliens to get in the car. GONZALEZ also stated that he was going to get paid \$150 per alien. GONZALEZ indicated that both have worked together transporting illegal aliens before. GONZALEZ stated that he has smuggled illegal aliens about twenty-five times before. GONZALEZ further stated that he knows it is illegal to transport undocumented aliens.

It should be noted that records checks for Ivan GONZALEZ, revealed on August 19, 2014, he was the driver of a 1 on 2 Administrative Alien Smuggling Case out of Rio Grande City, Texas.

MATERIAL WITNESS STATEMENT:

Once at the Border Patrol Station, Ada Esperanza GARCIA-Romero a citizen of El Salvador, was read her Miranda Rights and agreed to provide a statement without an attorney present.

GARCIA stated that her aunt made the smuggling arrangements and paid \$5,000 USD for GARCIA to be smuggled into the United States. GARCIA also stated that on December 28, 2015, she and two others crossed the Rio Grande River illegally with the help of an unknown foot guide. Once in the United States, the foot guide instructed them to follow a trail to a Burger King and to go inside the restaurant and wait for a grey car. The foot guide then went back to Mexico. GARCIA continued by stating that they did as instructed and once inside the restaurant she noticed a male subject come in and gave them instructions to exit the restaurant and get in a grey vehicle waiting outside. GARCIA indicated that the male subject got into the front passenger seat and they got into the back seat. GARCIA stated that they did not drive too far before getting pulled over by the police. GARCIA was able to identify Ivan GONZALEZ through a photo lineup as the male subject who gave them instructions to get inside the vehicle and that sat on the front passenger seat. GARCIA was also able to identify Jackqueline MUNOZ though a photo lineup as the driver of the grey vehicle.